

Application Serial No.: 10/673,522
Amendment and Response to March 23, 2006 Non-Final Office Action

REMARKS

Claims 1 – 7 and 8 - 20 are in the application. Claims 1 – 7 and 9 – 20 are currently amended; and claim 8 is canceled. Claims 1 and 18 - 20 are the independent claims herein.

Claims 1 and 18 – 20 are currently amended to include aspects formerly recited in the previous version of claim 8. Accordingly, no new matter is added to the application as a result of the amendments presented herewith.

Reconsideration and further examination of the application are respectfully requested.

Information Disclosure Statement

The Office Action stated that Cite Nos. I and K on the information disclosure statement, I.D.S., filed 09/29/03 have not been considered as to their merits because the document numbers do not match the listed applicant named. In reply thereto, Applicant submits herewith a supplemental I.D.S. that corrects the typographical error of the I.D.S. filed 09/29/03.

Applicant respectfully requests the entry and consideration of the items listed on the supplemental I.D.S. submitted herewith.

Specification

The Specification was objected to for repeating the word “that” at page 4, line 16. By way of an amendment submitted herewith, Applicant has deleted the repeated “that”, as indicated in the replacement paragraph.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the objections to the Specification.

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Claim Rejections – 35 USC § 112, 2nd Paragraph

Claim 17 was rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In reply thereto claim 17 is currently amended to clarify that which is particularly and distinctly claimed by Applicant in a manner consistent with the suggestions provided by the Examiner.

Accordingly, Applicant respectfully submits that claim 17, at least as currently presented for consideration, overcomes the rejection under 35 U.S.C. 112, 2nd paragraph.

Claim Rejections – 35 USC § 101

Claims 1 - 7, 10 - 15, 17, and 19 - 20 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

In the interest of advancing prosecution of the present application and not as an admittance or agreement with the merits of the rejection, independent claims 1 and 18 - 20 are currently amended to recite aspects of the previous version of claim 8, which the Office Action indicated contained statutory subject matter. In particular, the claims are amended to recite, for example, the useful, concrete, and tangible result of, at least, providing data indicative of said identity context.

Accordingly, Applicant respectfully submits that claims 1 and 18 – 20 are, at least now, directed to statutory subject matter. Claims 2 – 7, 10 - 15, and 17 depend from claim 1. Therefore, Applicant respectfully submits that all of claims 1 – 7, 10 - 15, and 17 overcome the rejection under 35 USC 101.

The reconsideration and withdrawal of the rejection of claims 1 – 7, 10 - 15, and 17 under 35 USC 101 are respectfully requested.

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Claim Rejections – 35 USC § 102(b)

Claims 1 - 20 were rejected as being anticipated by Diacakis et al., US 2002/0116336 (hereinafter Diacakis). This rejection is respectfully traversed.

Regarding the rejection of claim 1, Applicant respectfully notes that claim 1 relates to a method that includes detecting a new device context for a device, wherein the device is associated with an identity and the device context provides an availability status of the device; mapping the new device context to an identity context for the identity; and providing data indicative of the identity context. Clearly, the claimed device context provides an availability status of the device. Applicant notes that the device context provides an indication of a status of a device. Applicant respectfully notes that claims 18 (reciting a method), 19 (reciting an article of manufacture), and 20 (reciting an apparatus) each include recitations of a device context, wherein the device is associated with an identity and the device context provides an availability status of the device, similar to claim 1.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, the claimed “detecting a new device context for a device, wherein the device is associated with an identity and the device context provides an availability status of the device”. Applicant reiterates that the claimed device context provides an indication of a status of a device.

The Office Action cites and relies upon Diacakis paragraphs [0034], [0035], [0038], [0043], and [0044] for allegedly disclosing detecting a new device context (see remarks to previous claim 8). In contrast to claims 1 and 18 - 20, Diacakis discloses, at most, determining a presence of an individual or group or individuals, not a status of a device. In particular, Diacakis discloses, “determine an individual’s presence upon particular networks” (paragraph [0038]), “determine, to the extent possible, the individual’ presence ...based upon time of day information and known scheduling/calendar information” (paragraph [0040]), “determine if the individual is present on a landline telephone” and “determine if the individual is present on his

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mobile phone" (paragraph [0043]), and "determine if the individual is present on such a network, such as his personal computer" (paragraph [0044]).

Thus, it is also clear that Diacakis discloses determining a presence (i.e., status) of an individual based on, for example, location and schedule. The explicit Diacakis process(es) that determines the presence of an individual is not the same as or suggestive of Applicant's claimed determining a device context for a device associated with an identity, wherein the device context provides an availability status of the device.

Therefore, Applicant respectfully submits that the cited and relied upon Diacakis does not disclose that for which it was cited and relied upon for disclosing. In particular, Diacakis fails to disclose each and every aspect of claims 1 and 18 -20 as is required for a proper and sufficient rejection of anticipation under 35 USC 102(b).

Accordingly, Applicant respectfully submits that claims 1 and 18 – 20 are patentable over Diacakis under 35 USC 102(b) for at least the reasons stated hereinabove. Claims 2 – 7 and 9 – 17 depend from claim 1. Applicant respectfully submits that claims 2 – 7 and 9 – 17 are also patentable over Diacakis under 35 USC 102(b) for at least depending from a patentable base claim. Therefore, the reconsideration and withdrawal of the rejection of claims 1 – 7 and 9 – 20 are respectfully requested, as well as the allowance of same.


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CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (650) 694-5339.

Respectfully submitted,

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Date


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